

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33272 of 2021

Arising Out of PS. Case No.-624 Year-2020 Thana- PAROO District- Muzaffarpur

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Pankaj Rai Son of Late Lakhindra Rai Resident of Village- Fatehabad, P.S.-
Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 20-06-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Arun Kumar, learned counsel for the
petitioner and learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Paroo P. S. Case No. 624 of 2020
registered for the offences punishable under Sections 414 read
with Section 34 of the Indian Penal Code and Section 20/22 of
the Narcotic Drugs and Psychotropic Substances Act.

As per the prosecution case, it is alleged that on
21.12.2020 while the Police party was on patrolling duty, two



persons including this petitioner riding on a motorcycle were apprehended by them. On search being made 02 Kg. and 500 Gram of *ganja* was recovered from a bag hanging with the handle of the motorcycle. It is also alleged that the said vehicle was without registration number.

Learned counsel appearing on behalf of the petitioner submitted that the alleged bag, which was said to be hanging on the motorcycle does not belong to the petitioner and so far the recovery of alleged *ganja* like substance is concerned, that is less than commercial quantity and as such, the rigours provided under Section 37 is not applicable in the present case. It is also submitted that so far the motorcycle is concerned, the same belongs to the petitioner and not a stolen one. It is further submitted that after institution of the present case the petitioner has been remanded in seven other cases, which has been mentioned in paragraph no. 3, however, in all the cases bail has been granted to the petitioner.

On the other hand, learned APP for the State opposes the bail application and submits that on the last occasion a report was called for from the Forensic Science Laboratory. From the report, it appears that the alleged recovered article was found to be *ganja* and as such, the



petitioner does not deserve the privilege of bail.

Having considered the submissions made on behalf of the parties and taking into account the fact that the alleged recovery of 02 Kg. & 500 *gram ganja* is made from the bag, which is hanging on a motorcycle and further the same is found to be less than commercial quantity and as such, the embargo as provided under Section 37 of the Narcotic Drugs and Psychotropic Substances Act is not attracted and the petitioner is in custody since 22.12.2020, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Muzaffarpur in connection with Paroo P. S. Case No. 624 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of



trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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